


Theya Kanagaratnam, living woman
On the county at Large, alameda
Non-Domestic
c/o 2316 Lakeshore Ave. #16
Oakland, California [94606]
e-mail: theyak101@yahoo.com


FILED
MAY 15 2024
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

THEYA KANAGARATNAM

Debtor

Case No: 24-40209

Motion for Urgent Action to
Suspend the sale of Petitioner's
home and Motion for Set off, Settle
and Discharge liabilities

Judge: William J. Lafferty

_____/

To the honorable William J. Lafferty:

I, Theya Kanagaratnam, am the Principal Owner, Secured Party Creditor, and Holder In
Due Course and am appearing Specially and not generally on behalf of the ESTATE also known
as THEYA KANAGARATNAM. I am not the Debtor for the named ESTATE.

As I am working through multiple avenues to adjust the Accounting, Set off, Settle and have my
account balance set to Zero and to have the Title to my property located at 2316 Lakeshore
Avenue, #16 Oakland, CA [94606], my Primary Residence, my only roof-over-my-head

reconveyed back to me free and clear;

The “alleged creditors” US BANK, their Servicer SELENE FINANCE and their Trustee

MTC FINANCIAL, INC. DBA TRUSTEE CORPS keep moving the goal post by keep re-scheduling the sale of my property throughout the whole duration of the time this case has been active (Exhibit A). Upon close Examination of Exhibit A, you can see even though they were well aware of my Bankruptcy filing, yet they scheduled to sell my property before I ever even had my 341 meeting on March 20, 2024. I had to spend so much time and energy going back-and-forth before I could get them to Postpone that Date; now I am having to go through the same thing all over again. None of these “Alleged Creditors” US BANK and its Servicer SELENE FINANCE nor CITIBANK and its Servicer CENLAR ever showed up for the 341 Creditors Meeting that was held on March 20, 2024.

However, as of now, they have my property, my primary residence scheduled to be sold on May 21, 2024 (Exhibit B) and once again threatening to throw me on the streets and make me homeless come Tuesday. I have sent them multiple e-mails as well as contacting them by phone this morning to stop this until this case is concluded.

However, they responded by saying they will postpone it on the day of, or the day before their scheduled sale date. This is not acceptable; Their failure to comply with Bankruptcy laws have continuously bombarded me with unwanted phone calls and junk mail from third parties constantly wanting to purchase my property. I have come to learn this is a standard practice of these Trustees; this kind of constantly moving the goal post throughout the whole duration of one’s Bankruptcy Filing which put unnecessary stress and demands on the Bankruptcy Petitioner (like right now, I am having to file this in order to stop them, wasting my time and

court's time). I am bringing this to your attention in order for you to take the appropriate action immediately against MTC FINANCIAL, DBA TRUSTEE CORPS and its clients US BANK /SELENE FINANCE to stop immediately from stealing my property and make me homeless this come Tuesday; my Primary Residence, my only roof-over-my-head.

With the exhibits, I filed at this court on March 19, 2024, I already tendered multiple legal tender instruments. Further, US BANK/SELENE FINANCE and CITIBANK/CENLAR are currently involved in an Administrative Procedure and I had expert forensic analysis done to prove that the alleged Note was not properly securitized and I have other court cases underway with much more evidence with my further tendering of Bonds to these "alleged creditors" to adjust the accounting, set off and settle, and discharge all the liabilities and balance the account to zero.

At this time, I do not want to unnecessarily bombard the court with massive paperwork; however, I can provide over 200 Pages of evidence through this Administrative Process where I have an enforceable contract where these "alleged creditors" US BANK / SELENE FINANCE and CITIBANK / CENLAR agreed that I owe them nothing; where they have agreed to set my account balance at Zero; where they have agreed to send me free and clear title; Further, I have in this contract where they have agreed to pay my fee of \$100,000.00 per response in the event of successful foreclosure and they have agreed to pay for punitive damages in the form of triple damages for the market value of the Property, plus \$10,000.00 per day, plus all court and attorney's costs and fees until the Property is returned to me. I have in this contract they have agreed to all of the above and much more while they are in gross violation of laws. Again, I can provide this court with evidence of over 200-pages if I am being asked to provide the evidence. Therefore, these "alleged debts" have been properly listed on the schedule as unsecured debts. I also demanded in my contract that these alleged Creditors and Nominees render the full GAPP

accounting, CUSIP, 1099 OID, and MoneyNet Daily Transfer Log 120, which will prove that they did not loan me their own money, but I extended my credit from the minor account at 31 CFR § 363.6, as all debts are prepaid without recourse; which, to date, they have failed to do so. Further Per Exhibit C – I am providing the CUSIP for the HELOC where CITIBANK is the “alleged Creditor” and I hereby instruct the assigned Trustee to move this Court to setoff, settle, and discharge all the liabilities and balance the account to zero by Public Policy in accord with 31 USC § 5118(d)(1,2). If either the Trustee or you as the case Trustee fail or refuse to perform, I demand either the Judge, who is authorized to access my minor account, or the U.S.A.G. appear to setoff, settle, and discharge the liabilities. By when will you send me notice that you have rendered the accounting and discharged the liabilities on behalf of the Debtor?

I, hereby, also move the honorable Judge and this court to intervene immediately and suspend the sale of my property that’s scheduled to be sold by TRUSTEE CORPS May 21, 2024 until all related matters pertaining to my property are properly resolved and settled.

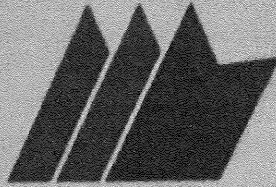
I, Theya Kanagaratnam, declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct in accord with 28 USC § 1746(1).

Respectfully submitted:

Dated: May 15, 2024

By: Theya Kanagaratnam
Theya Kanagaratnam, living woman
Beneficiary,
Lender,
Creditor,
Secured Party,
Real Party In Interest,
Without Prejudice,
Without Recourse,
d/b/a THEYA KANAGARATNAM

EXHIBIT A



TRUSTEE CORPS

Experience. Trust. Integrity.

17100 Gillette Ave. Irvine, CA 92614
Office: 949.252.8300 Fax: 949.252.8330

February 16, 2024

Re: **NOTICE TO BORROWER OF POSTPONEMENT OF TRUSTEE'S SALE**

Trustee's Sale No: CA08000646-23-1
Property Address: 2316 LAKESHORE AVE APT 16, OAKLAND, CA 94606
Mortgage Servicer: SELENE FINANCE, LP

You are hereby notified that the above referenced Trustee's Sale previously scheduled for **February 16, 2024 at 12:00 PM, at the Fallon Street emergency exit to the Alameda County Courthouse, 1225 Fallon St., Oakland, CA 94612** has been postponed to **March 19, 2024 at 12:00 PM, at the Fallon Street emergency exit to the Alameda County Courthouse, 1225 Fallon St., Oakland, CA 94612.**

You may monitor Trustee's sale postponements by attending the scheduled Trustee's sale at the place set forth in the Notice of Trustee's Sale and at the date and time set forth in the most recent public declaration of postponement. While a public declaration at the time set for Trustee's sale is the official method for postponing a Trustee's sale, you can also obtain information about further Trustee's sale postponements by calling **Nationwide Posting & Publication at 916.939.0772** or through the following website: **www.nationwideposting.com** and by accepting the terms and conditions for use of that resource. **UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT PUBLIC SALE WITHOUT FURTHER NOTICE.**

Sincerely,

MTC Financial Inc. dba Trustee Corps

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

NOTICE TO TENANT FOR FORECLOSURES AFTER JANUARY 1, 2021: Please take notice that if you are a tenant in the subject property, beginning January 1, 2021, you may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an "eligible tenant buyer," you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an "eligible bidder," you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call 916.939.0772, or visit this internet website www.nationwideposting.com, using the file number assigned to this case CA08000646-23-1 to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an "eligible tenant buyer" or "eligible bidder," you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase.



EXHIBIT B



Property Search Detail

Status: Postponed to: 05/21/2024 by Bankruptcy
APN: 023-0415-036-00
TS Number: CA08000646-23-1
Sale Date: 05/21/2024
Sale Time: 12:00 PM
Sale County: ALAMEDA
Property Address: 2316 LAKESHORE AVE APT 16
OAKLAND, CA 94606
Sale Location: At the Fallon Street emergency exit to the Alameda County Courthouse, 1225 Fallon St., Oakland, CA 94612

NOTE TO ANY ELIGIBLE POST SALE BIDDERS: If the property is subject to CA Civil Code §2924f and 2924m and you are an eligible post sale tenant buyer or eligible post sale bidder as defined in CA Civil Code §2924m you must timely send your written notice of intent to bid and/or a post-sale bid to the trustee, **Trustee Corps, 17100 Gillette Ave., Irvine, CA, 92614** as required pursuant to CA Civil Code § 2924m. This NOTE is provided solely for the purpose of providing the trustee's mailing address and should not be taken as legal advice. If you think you may qualify as an eligible post sale tenant buyer or eligible post sale bidder you should consider contacting an attorney or appropriate real estate professional for advice.

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EXHIBIT C

Your CUSIP Results are as follows:

THEYA KANAGARATNAM (MTG 106091318334000 [CITIBANK])

Westwood Salient Global Real Estate Fund

Symbol:	KIRYX
CUSIP:	34986P101
ISIN:	US34986P1012
Inception Date:	04/28/2006
Net Assets:	\$17.979,000.00 as of 12/22/2023
Portfolio Assets:	\$17.979,000.00 as of 12/22/2023

A little about the Fund:

Westwood Salient Global Real Estate Fund seeks total return from both capital appreciation and current income. The Fund invests in common stocks and other equity securities issued by U.S. and non-U.S. real estate companies, including real estate investment trusts and similar REIT-like entities in at least three different countries.

